

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case

05-CB-265681

Date Filed

9/3/2020

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name International Organization of Masters, Mates & Pilots	b. Union Representative to contact Donald Marcus, President
c. Address (Street, city, state, and ZIP code) 700 Maritime Boulevard Suite B Linthicum Heights, Maryland 21090-1953 USA	d. Tel. No. 410-850-8700
	e. Cell No.
	f. Fax No. 410-850-0973
	g. e-mail dmarcus@bridgedeck.org

h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) Sections 8(b)(1) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

I was denied membership in the IOMMP despite having fulfilled all requirements for membership in the union and after <sup>(b) (6), (b) (7)(C)</sup> years of working towards union membership as a permittee/applicant. I was denied membership because I accused a member of <sup>(b) (6), (b) (7)(C)</sup> assaulting me and <sup>(b) (6), (b) (7)(C)</sup> aboard a Maersk containership in <sup>(b) (6), (b) (7)(C)</sup> 2015. I made a report to the <sup>(b) (6), (b) (7)(C)</sup> of the ship at the time of the assaults, and later filed a Grievance through IOMMP, which was denied. I was told to keep quiet about my accusations if I wanted union membership. Instead I continued to pursue the matter and made the allegations public. My membership was denied on <sup>(b) (6), (b) (7)(C)</sup> 2020.

3. Name of Employer Maersk Line Limited 2510 Walmer Ave Suite C, Norfolk, VA 23513	4a. Tel. No. 1-800-321-8807	b. Cell No.	c. Fax No.
	d. e-mail ehanley@mlinet.com		
5. Location of plant involved (street, city, state and ZIP code) M/V Maersk Idaho -- a containership that sailed worldwide	6. Employer representative to contact Ed Hanley, Vice President		
7. Type of establishment (factory, mine, wholesaler, etc.) Ship	8. Identify principal product or service Carrying Cargo	9. Number of workers employed About 22 on the ship	

## 10. Full name of party filing charge

(b) (6), (b) (7)(C)

## 11. Address of party filing charge (street, city, state and ZIP code)

(b) (6), (b) (7)(C)

## 11a. Tel. No.

(b) (6), (b) (7)(C)

## b. Cell No.

(b) (6), (b) (7)(C)

## c. Fax No.

(b) (6), (b) (7)(C)

## d. e-mail

(b) (6), (b) (7)(C)

## 12. DECLARATION

I declare that I have read the above charge and that the statements  
(b) (6), (b) (7)(C) the best of my knowledge and belief.

(b) (6), (b) (7)(C) (g charge)

(b) (6), (b) (7)(C) (Print/type name and title or office, if any)

Address

(b) (6), (b) (7)(C)

Date

September 3, 2020

## Tel. No.

(b) (6), (b) (7)(C)

## Cell No.

## Fax No.

## e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



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September 4, 2020

Mr. Ed Hanley  
Vice President  
Maersk Line Limited  
2510 Walmer Ave., Suite C  
Norfolk, VA 23513

Re: International Organization of Masters,  
Mates and Pilots  
(Maersk Line Limited)  
Case 05-CB-265681

Dear Mr. Hanley:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410)962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410)962-2916.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

September 4, 2020

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Sean R. Marshall".

Sean R. Marshall  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
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Fax: (410)962-2198



Download  
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September 4, 2020

(b) (6), (b) (7)(C)

Re: International Organization of Masters,  
Mates and Pilots  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 3, 2020 has been docketed as case number 05-CB-265681. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410)962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410)962-2916.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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September 4, 2020

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of Charge



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September 4, 2020

Mr. Donald Marcus  
President  
International Organization of  
Masters, Mates and Pilots  
700 Maritime Blvd., Suite B  
Linthicum Heights, MD 21090

Re: International Organization of Masters,  
Mates and Pilots  
(Maersk Line Limited)  
Case 05-CB-265681

Dear Mr. Marcus:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.



Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

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September 4, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of Charge

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		05-CB-265681	11/19/20
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Organization of Masters, Mates & Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO		b. Union Representative to Contact Donald Marcus, President	
c. Address 700 Maritime Boulevard Suite B Linthicum Heights, Maryland 21090-1953 USA		d. Tel. No. 410-850-8700	e. Cell No.
		f. Fax No. 410-850-0973	g. e-Mail dmarcus@bridgedeck.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b)(1)(A) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  See additional page.			
3. Name of Employer Maersk Line Limited 2510 Walmer Ave. Suite C Norfolk, VA 23513		4a. Tel. No. 1-800-321-8807	4b. Cell No.
		4c. Fax No.	4d. e-Mail ehanley@mlnet.com
5. Location of Plant Involved (street, city, state, and ZIP code) M/V Maersk Idaho -- a containership that sailed worldwide		6. Employer representative to contact Ed Hanley, Vice President	
7. Type of Establishment (factory, mine, wholesaler) Cargo Ships	8. Principal product or service Cargo ships	9. Number of Workers employed About 22 on ship	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No. (b) (6), (b) (7)(C)	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) an Individual	Tel. No. (b) (6), (b) (7)(C)	
(signature of representative or person making charge)	Printtype name and title or office, if any	Cell No. (b) (6), (b) (7)(C)	
Address: (b) (6), (b) (7)(C)		Date: 11 / 18 / 2020	Fax No.
			e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



Within the past six months preceding the filing and service of the charge, the above-named labor organization has restrained or coerced employees of the Employer in the exercise of the rights guaranteed in Section 7 of the Act and has caused or attempted to cause an employer to discriminate with regard to hire, tenure, and other terms and conditions of employment to encourage membership in a labor organization by, among other acts:

1. failing to provide employees with notice of their right to: (a) be and remain a nonmember of the Union; (b) object to the payment of costs not germane to representational activities and to obtain a reduction in fees for such nonrepresentational activities; (c) to be given sufficient information to enable them to intelligently decide whether to object; and (d) to be apprised of any internal union procedures for filing objections;
2. operating an exclusive hiring hall pursuant to referral procedures which:
  - a. require employees to be and remain full union members to receive referral preference and/or priority;
  - b. grant referral preference and/or priority to union members;
  - c. base eligibility for union membership and grant referral preference and/or priority to employees with work experience aboard Union vessels;
  - d. include an agreement with an employer requiring employees as a condition of employment to acquire and retain membership in the Union, while denying membership to employees for reasons other than the failure of employees to tender periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership; and
  - e. requiring employees to pay Union dues or fees as a condition of employment/referral at a time when membership in the Union is unavailable to those employees for reasons other than the failure to tender periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;
3. denying the Charging Party membership in the Union, and accordingly, denying (b) (6), (b) (7)(C) referral preference and/or priority in retaliation for (b) (6), (b) (7)(C) protected concerted activities; and
4. failing to process the Charging Party's (b) (6), (b) (7)(C) 2019 grievance.





UNITED STATES GOVERNMENT  
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Download  
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November 20, 2020

Paul D. Starr, Esq.  
Abato Rubenstein and Abato, P.A.  
809 Gleneagles Court, Suite 320  
Baltimore, MD 21286-2230

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear Mr. Starr:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If the agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



Sean R. Marshall  
Regional Director

Enclosure: Copy of First Amended Charge

cc: Mr. Donald Marcus, President  
International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International Longshoremen's  
Association, AFL-CIO  
700 Maritime Blvd., Suite B  
Linthicum Heights, MD 21090



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



Download  
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November 20, 2020

(b) (6), (b) (7)(C)

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If the agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

- 2 -

November 20, 2020

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



Sean R. Marshall  
Regional Director

Enclosure: Copy of First Amended Charge





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

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Telephone: (410)962-2822  
Fax: (410)962-2198



Download  
NLRB  
Mobile App

November 20, 2020

Mr. Ed Hanley, Vice President  
Maersk Line Limited  
2510 Walmer Ave., Suite C  
Norfolk, VA 23513

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear Mr. Hanley:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If the Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, if the Board agent asks you for evidence with respect to the allegations in the first amended charge, I urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of First Amended Charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

International Organization of Masters, Mates and Pilots  
(Maersk Line Limited)

CASE 05-CB-265681

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

International Organization of Masters, Mates and Pilots

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Paul D. Starr

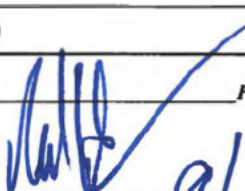
MAILING ADDRESS: Abato, Rubenstein and Abato, P.A., 809 Gleneagles Court, Suite 320, Baltimore, MD  
21286

E-MAIL ADDRESS: pstarr@abatolaw.com

OFFICE TELEPHONE NUMBER: 410-321-0990

CELL PHONE NUMBER: 410-458-8832

FAX: 410-321-1419

SIGNATURE:   
(Please sign in ink.)

DATE: 9/24/20

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**TERRASA  
& STAIR, P.A.**  
ATTORNEYS AT LAW

**GABRIEL A. TERRASA\***  
COLUMBIA OFFICE  
EMAIL: [gterrasa@tslawmd.com](mailto:gterrasa@tslawmd.com)

*\*Licensed in Maryland*

**JENNIFER L. STAIR\***  
BALTIMORE OFFICE  
EMAIL: [jstair@tslawmd.com](mailto:jstair@tslawmd.com)

September 9, 2020

Sean R. Marshall, Regional Director  
NLRB Region 5  
Bank of America Center, Tower II  
100 S. Charles Street, Suite 600  
Baltimore, Maryland 21201

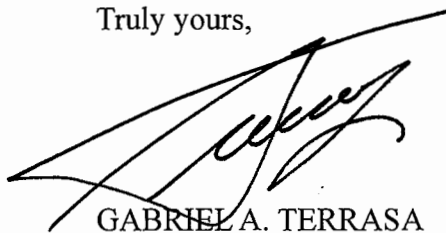
**VIA AGENCY E-FILING**

**Re: International Organization of Masters, Mates & Pilots  
(Maersk Line Limited)  
Case 05-CB-265681**

Dear Mr. Marshall:

This Firm represents the International Organization of Masters, Mates & Pilots, AFL-CIO in the above-referenced matter. Please direct all future communications regarding this matter to my attention.

Truly yours,



GABRIEL A. TERRASA





**TERRASA  
& STAIR, P.A.**  
ATTORNEYS AT LAW

**GABRIEL A. TERRASA\***  
COLUMBIA OFFICE  
EMAIL: [gterrasa@tslawmd.com](mailto:gterrasa@tslawmd.com)

**JENNIFER L. STAIR\***  
BALTIMORE OFFICE  
EMAIL: [jstair@tslawmd.com](mailto:jstair@tslawmd.com)

*\*Licensed in Maryland*

September 23, 2020

Sean R. Marshall, Regional Director  
NLRB Region 5  
Bank of America Center, Tower II  
100 S. Charles Street, Suite 600  
Baltimore, Maryland 21201

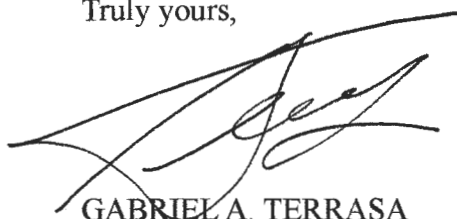
**VIA AGENCY E-FILE**

**Re: International Organization of Masters, Mates & Pilots  
(Maersk Line Limited)  
Case 05-CB-265681**

Dear Mr. Marshall:

I am writing to withdraw my appearance in the above-referenced matter. The International Organization of Masters, Mates & Pilots, AFL-CIO will be represented in this matter by Paul Starr, Esquire of Abato, Rubenstein and Abato, P.A. Mr. Starr will be entering his appearance separately.

Truly yours,



GABRIEL A. TERRASA





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

November 23, 2020

(b) (6), (b) (7)(C)

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your first amended charge alleging that International Organization of Masters, Mates & Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO (the Charged Party) has violated the National Labor Relations Act (the Act).

**Decision to Dismiss in Part:** Your first amended charge alleges, in part, that the Charged Party violated Section 8(b)(1)(A) of the Act by failing to process your (b) (6), (b) (7)(C) 2019 grievance (Allegation 4). Based on the facts developed during the investigation, I have decided to dismiss this portion of your charge because this allegation was filed outside the period set forth in Section 10(b) of the Act. Even assuming it was not filed outside the Section 10(b) period, I have concluded there is insufficient evidence to establish a violation of the Act. Accordingly, I have concluded that further proceedings on this allegation are not warranted, and I am refusing to issue a complaint with respect to this portion of the first amended charge.

The remaining portions of the first amended charge, specifically, Allegations 1 through 3, remain outstanding and are being processed further by this office.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street, S.E., Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **December 7, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 6, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 7, 2020**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 7, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the

International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

- 3 -

November 23, 2020

event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

/s/ *Sean R. Marshall*

Sean R. Marshall  
Regional Director

Enclosures:

1. Appeal Form
2. E-Filing to Appeals

cc: Mr. Donald Marcus, President  
International Organization of Masters,  
Mates and Pilots  
700 Maritime Blvd., Suite B  
Linthicum Heights, MD 21090

Paul D. Starr, Esq.  
Abato Rubenstein and Abato, P.A.  
809 Gleneagles Court, Suite 320  
Baltimore, MD 21286-2230

Mr. Ed Hanley, Vice President  
Maersk Line Limited  
2510 Walmer Ave., Suite C  
Norfolk, VA 23513





UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

August 5, 2021

(b) (6), (b) (7)(C)

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Organization of Masters, Mates & Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO (the Charged Party or the Union) has violated the National Labor Relations Act.

**Decision to Dismiss in Part:** Your first amended charge, filed on (b) (6), (b) (7)(C) 2020, contains four numbered allegations. By a letter dated November 23, 2020, you were informed of my decision to dismiss Allegation #4 of the first amended charge. The remaining allegations state, in relevant part, that the Union violated Section 8(b)(1)(A) of the Act by:

- failing to provide employees with notice of their right to: (a) be and remain a nonmember of the Union; (b) object to the payment of costs not germane to representational activities and to obtain a reduction in fees for such nonrepresentational activities; (c) to be given sufficient information to enable them to intelligently decide whether to object; and (d) to be apprised of any internal procedures for filing objections; (Allegation 1) and
- denying you membership in the Union, and accordingly, denying you referral preference and/or priority in retaliation for your protected concerted activities (Allegation 3).

I have concluded that there is insufficient evidence to establish that the Union violated the Act as alleged in Allegations 1 and 3. Accordingly, I have concluded that further proceedings on these allegations are not warranted, and I am refusing to issue a complaint with respect to these portions of the amended charge.

**Decision to Approve Settlement Agreement:** In the objection you filed, you contend that the attached Settlement Agreement is insufficient to remedy the remaining allegations in the amended charge (Allegation 2) because the Notice to Employees and Members made part of that Agreement does not include your name. I have concluded that your objection is an insufficient basis for withholding approval of the Settlement Agreement. The conduct described in Allegation 2, and the remedies provided for in the Settlement Agreement, concern the overall operation of the Union's hiring hall nationwide, and are not specifically applicable to any individual employee, including yourself. Accordingly, in view of the terms the Charged Party has agreed to in the attached Settlement Agreement, I have determined that it would not effectuate the purposes of the National Labor Relations Act to institute further proceedings at this time. I am, therefore, approving the Settlement Agreement and refusing to issue a complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [E-Filing@nlrb.gov](mailto:E-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **August 19, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 18, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 19, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 19, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

/s/ *Sean R. Marshall*

Sean R. Marshall  
Regional Director

Enclosures: 1) Approved Settlement Agreement  
2) Appeal Form  
3) E-Filing to Appeals

cc: Mr. Donald Marcus, President  
International Organization of Masters,  
Mates and Pilots, AFL-CIO  
700 Maritime Boulevard, Suite B  
Linthicum Heights, MD 21090

Paul D. Starr, Esq.  
Abato Rubenstein and Abato, P.A.  
809 Gleneagles Court, Suite 320  
Baltimore, MD 21286-2230

Mr. Ed Hanley, Vice President  
Maersk Line Limited  
2510 Walmer Avenue, Suite C  
Norfolk, VA 23513



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

**IN THE MATTER OF**

**International Organization of Masters, Mates & Pilots, International  
Marine Division of the International Longshoremen's Association, AFL-  
CIO (Maersk Line Limited)**

**Case 05-CB-265681**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICE** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places around all of its Offshore Membership Group hiring halls, including those located in Linthicum, Maryland; Boston, Massachusetts; Charleston, South Carolina; Honolulu, Hawaii; Houston, Texas; Wilmington, California; Newark, New Jersey; Norfolk, Virginia; Oakland, California; Pompano Beach, Florida; Seattle, Washington; and Tampa, Florida, including at all places where the Charged Party normally posts notices to members and/or employees represented by the Offshore Membership Group of the Charged Party. The Charged Party will keep all Notices posted for 60 consecutive days after the date of initial posting. Further, if the Charged Party maintains bulletin boards at the facility of any employer where employees represented by the Offshore Membership Group of the Charged Party are employed, the Charged Party shall also post Notices on each such bulletin board during the posting period. The Charged Party will furnish the Regional Director with a list of all employers to whom the Charged Party's Offshore Membership Group has referred employees for employment since March 4, 2020, along with the address for each such employer. The Regional Director will send copies of the signed Notices to each such employer and request that the Notices be posted in prominent places in each employer's facility/facilities for 60 consecutive days from the date of initial posting. The Charged Party will provide reasonable access to its hiring hall facilities to agents of the Regional Director for the purpose of monitoring compliance with this posting requirement. It is expressly understood that neither a copy of this Agreement, nor any other notice describing the terms of this Agreement (including the Non-Admission clause) shall be posted with the Notice to Employees and Members.

**INTRANET/WEBSITE POSTING** — The Charged Party will also post a copy of the Notice in English on its intranet/website in prominent places, including in all places where the Charged Party normally posts notices to members and/or employees represented by the Offshore Membership Group of the Charged Party, and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Notice shall be posted in a manner such that it is accessible to all members and employees represented by the Offshore Membership Group of the Charged Party regardless of membership status in the Charged Party. To document its compliance with this requirement, the Charged Party will submit a screen shot of the intranet or website posting, along with a fully completed Certification of Posting form, via the Agency's e-filing portal at [www.nlrb.gov](http://www.nlrb.gov). Should further investigation or verification of the intranet or website posting become necessary, the Charged Party will provide appropriate intranet or website access to the Compliance Assistant or Compliance Officer assigned to the case. It is expressly understood that neither a copy of this Agreement, nor any other notice describing the terms of this Agreement (including the Non-Admission clause) shall be posted with the Notice to Employees and Members.

Charged Party PS  
Initials

Charging Party \_\_\_\_\_  
Initials



Charged Party PS Charging Party   
Initials Initials

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the (Acting) General Counsel sustained the Regional Director's approval of this Agreement. No further action shall be taken in the above-captioned case provided that the Charged Party complies with the terms and conditions of this Agreement and Notice.

<b>Charged Party</b> <b>International Organization of Masters, Mates &amp; Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO</b>	<b>Charging Party</b> <b>(b) (6), (b) (7)(C), an Individual</b>
By:            Name and Title                      Date  _____ /s/ Paul D. Starr, Counsel    7/9/21 Print Name and Title below  Paul D. Starr, Counsel	By:            Name and Title                      Date  _____ Print Name and Title below
Recommended By:                                  Date  /s/ Andrea S. Vaughn                 7/20/2021  Andrea Vaughn Field Attorney	Approved By:    Date  /s/ Sean R. Marshall                 August 5, 2021  Sean R. Marshall Regional Director, Region 5

Charged Party      PS                  Charging Party

Initials                        Initials

(To be printed and posted on official Board notice form)

**THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** require employees who use our exclusive hiring hall to be or remain full members of **International Organization of Masters, Mates & Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO** (the Union) to receive referral preference and/or priority in our Offshore Membership Group hiring halls.

**WE WILL NOT** grant referral preference and/or priority to employees based upon prior work experience aboard Union-signatory vessels.

If Union membership is unavailable to you for reasons other than failing to tender periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership, **YOU HAVE THE RIGHT** to be referred for employment from our exclusive hiring hall, if otherwise qualified for employment, regardless of whether you have paid periodic Union dues or fees. We may, however, lawfully charge such employees a fee that is reasonably related to the cost of operating our exclusive hiring hall.

**WE WILL** refer users of our exclusive hiring hall for employment regardless of whether they are members of the Union, have previously worked aboard Union-signatory vessels, or because of any other discriminatory or irrelevant consideration.

**WE WILL** rescind or revise any of our hiring hall rules, policies, or procedures that is not consistent with the provisions of this Notice, and **WE WILL** notify you in writing when we have done so.

**WE WILL NOT** in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**International Organization of Masters, Mates &  
Pilots, International Marine Division of the  
International Longshoremen's Association, AFL-CIO**  

---

(Labor Organization)

**Dated:** 7/9/21 **By:** /s/ Paul D. Starr Counsel  
(Representative) (Title)

Charged Party PS Charging Party \_\_\_\_\_  
Initials Initials



**CERTIFICATION OF POSTING**

**RE: International Organization of Masters, Mates & Pilots, International Marine  
Division of the International Longshoremen's Association, AFL-CIO (Maersk Line  
Limited)  
Case(s) 05-CB-265681**

**Due Date: December 16, 2021**

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Union has taken to comply

**Physical Posting**

The signed and dated Notice to Employees and Members in the above matter was posted on (date) December 13, 2021 at the following locations: (List specific places of posting for each location including where the Notice was posted such as: on bulletin board, etc.). Please include the locations and dates of posting for Union boards at employer facilities where employees represented by the Offshore Membership Group of the Charged Party are employed. *Bulletin Boards on THE FOLLOWING Union Office/HALLS:*

<i>Linthicum, Maryland</i>	<i>Honolulu, HI</i>	
<i>SEATTLE, Washington</i>	<i>Boston, MA</i>	<i>No Bulletin Boards</i>
<i>Tampa, FL</i>	<i>Wilmington, CA</i>	<i>from Union At</i>
<i>Houston, TX</i>	<i>Newark, NJ</i>	<i>Employer facilities</i>
<i>Charleston, SC</i>	<i>Norfolk, VA</i>	
<i>Pompano Beach, FL</i>	<i>Oakland, CA</i>	

A legible copy of the signed Notice, displaying full text of the Notice, including the date, signature, and title of the responsible official of the Union was e-filed together with this Certification.

**Electronic Posting**

The signed and dated Notice to Employees and Members in the above matter was posted on the Union's intranet/website on (date) Dec. 13, 2021. A screen shot of the intranet/website posting was e-filed together with this Certification.

**Electronic Mailing**

The signed and dated Notice to Employees and Members in the above matter was e-mailed on (date) Dec. 13, 2021 to all members and/or employees represented described in the Settlement Agreement. A copy of the list of names and addresses of employees to whom the Notice were ~~mailed~~ was e-filed together with this Certification.

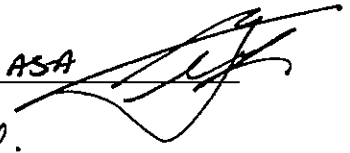
*E-mailed*



December 1, 2021

I have completed this Certification of Posting and state, under penalty of perjury, that it is true and correct.

**CHARGED PARTY**

By: GABRIEL A. TERRASA   
Title: International Counsel.  
Date: 12/13/2021

This form should be returned to the Centralized Compliance Unit together with **ONE** original Notice, dated and signed in the same manner as those posted. The Certification of Posting form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting form or Notice at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

September 1, 2021

(b) (6), (b) (7)(C)

Re: International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

We have received your timely appeal from the Region's decision in the above-captioned case. You have asked for additional time to submit additional evidence and we are granting you until **September 15, 2021** to do so. **We will not grant any further extensions.** Please file the additional evidence electronically at [www.nlrb.gov](http://www.nlrb.gov) as correspondence to supplement the appeal. You may consult the [User Guide](#) or video demonstration which provides [step-by-step instructions](#) regarding electronic filing. If unable to e-file, please mail your materials by **September 15, 2021.**

We will thereafter assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

-2

Sincerely,

Jennifer A. Abruzzo  
General Counsel



Mark E. Arbesfeld, Director  
Office of Appeals

cc: SEAN R. MARSHALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
BANK OF AMERICA CENTER,  
TOWER II  
100 S CHARLES ST STE 600  
BALTIMORE, MD 21201

ED HANLEY, VICE PRESIDENT  
MAERSK LINE LIMITED  
2510 WALMER AVE STE C  
NORFOLK, VA 23513

DONALD MARCUS, PRESIDENT  
INTERNATIONAL ORGANIZATION  
OF MASTERS, MATES AND PILOTS,  
AFL-CIO  
700 MARITIME BLVD STE B  
LINTHICUM HEIGHTS, MD 21090

PAUL D. STARR, ESQ.  
ABATO RUBENSTEIN  
AND ABATO, P.A.  
809 GLENEAGLES CT STE 320  
BALTIMORE, MD 21286-2230

cl



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

September 21, 2021

(b) (6), (b) (7)(C)

International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

Dear (b) (6), (b) (7)(C):

This is in response to your third request for an extension of time to file additional material in support of your appeal in this matter. Your request is denied.

By letter dated August 18, 2021, your appeal was acknowledged and you were granted an extension of time until August 31, 2021 to file any additional evidence in support of your appeal. Thereafter, by letter dated September 1, 2021 you were granted an additional extension of time until September 15, 2021 to supplement your appeal. In that letter you were advised that we would not grant any further extensions. Therefore, your request for an additional extension of time is denied. However, please note that as your appeal has been acknowledged and was timely filed, as we do with any appeal, we will continue to accept any additional information in support of your appeal as long as we have not yet issued our decision on the merits of your appeal.

Sincerely,

Jennifer A. Abruzzo  
General Counsel

A handwritten signature in black ink, reading "Mark E. Arbesfeld", is written over a horizontal line.

By:

Mark E. Arbesfeld, Director  
Office of Appeals



International Organization of Masters,  
Mates & Pilots, International Marine  
Division of the International  
Longshoremen's Association, AFL-CIO  
(Maersk Line Limited)  
Case 05-CB-265681

-2

cc: SEAN R. MARSHALL  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
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BANK OF AMERICA CENTER,  
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809 GLENEAGLES CT STE 320  
BALTIMORE, MD 21286-2230

cl



# NOTICE TO EMPLOYEES AND MEMBERS



**POSTED PURSUANT TO A SETTLEMENT AGREEMENT  
APPROVED BY A REGIONAL DIRECTOR OF THE  
NATIONAL LABOR RELATIONS BOARD  
AN AGENCY OF THE UNITED STATES GOVERNMENT**

**THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** require employees who use our exclusive hiring hall to be or remain full members of **International Organization of Masters, Mates & Pilots, International Marine Division of the International Longshoremen's Association, AFL-CIO** (the Union) to receive referral preference and/or priority in our Offshore Membership Group hiring halls.

**WE WILL NOT** grant referral preference and/or priority to employees based upon prior work experience aboard Union-signatory vessels.

If Union membership is unavailable to you for reasons other than failing to tender periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership, **YOU HAVE THE RIGHT** to be referred for employment from our exclusive hiring hall, if otherwise qualified for employment, regardless of whether you have paid periodic Union dues or fees. We may, however, lawfully charge such employees a fee that is reasonably related to the cost of operating our exclusive hiring hall.

**WE WILL** refer users of our exclusive hiring hall for employment regardless of whether they are members of the Union, have previously worked aboard Union-signatory vessels, or because of any other discriminatory or irrelevant consideration.

**WE WILL** rescind or revise any of our hiring hall rules, policies, or procedures that is not consistent with the provisions of this Notice, and **WE WILL** notify you in writing when we have done so.

**WE WILL NOT** in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**INTERNATIONAL ORGANIZATION OF  
MASTERS, MATES & PILOTS, INTERNATIONAL  
MARINE DIVISION OF THE INTERNATIONAL  
LONGSHORMEN'S ASSOCIATION, AFL-CIO**

(Labor Organization)

(b) (6), (b) (7)(C)

Dated: 12/10/21

B.

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communication Assistant to call our toll free number at 1-844-762-NLRB.

COMPLIANCE ASSISTANT RHONDA KRAMIG  
NATIONAL LABOR RELATIONS BOARD  
550 MAIN ST. ROOM 3-111  
JOHN WELD PECK FEDERAL BLDG, CINCINNATI, OH 45202-3271

TELEPHONE: (513) 684-3692  
HOURS OF OPERATION: 8:00 a.m. to 4:30 pm

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Assistant Rhonda Kramig.

**CERTIFICATION OF COMPLIANCE**

Due Date: December 31, 2021

**RE: International Organization of Masters, Mates & Pilots, International Marine  
Division of the International Longshoremen's Association, AFL-CIO (Maersk Line  
Limited)  
Case(s) 05-CB-265681**

**As required by the Settlement Agreement in this matter, this document is a sworn  
certification of the steps that the Union has taken to comply.**

**Rescinded/Revised Rules**

On (date) Effective 12/16/2021, the Union rescinded/revised the overly broad rules that  
were found to be unlawful in the Settlement Agreement.


On (date) 12/13/2021, the Union notified employees that the rules that were  
found to be unlawful in the Settlement Agreement have been rescinded/revised. **Documentation  
that these steps have been completed has been e-filed.**

**Refer Users of its Union Exclusive Hiring Hall for Employment**

The Union will refer users and/or has referred of its Union exclusive hall for employment,  
regardless of whether they are members of the Union or have previously worked aboard Union  
that is the subject of the Settlement Agreement and referenced in the Notice to Employees and  
Members.

I have completed this Certification of Compliance and state, under penalty of perjury that it is  
true and correct.

**CHARGED PARTY**

By: GABRIEL A. TERRASA   
Title: International Counsel  
Date: 12/13/2021

This form should be returned to the Centralized Compliance Unit via e-file. Please do not e-mail  
or physically send hard copies of the Certification of Compliance form at this time. If you need  
assistance in e-filing case documents, please contact the Compliance Officer or Assistant  
assigned to this case.

**CERTIFICATION OF COMPLIANCE**

Due Date: December 31, 2021

**RE: International Organization of Masters, Mates & Pilots, International Marine  
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**CHARGED PARTY**

By: GABRIEL A. TERRASA   
Title: International Counsel  
Date: 12/13/2021

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